

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

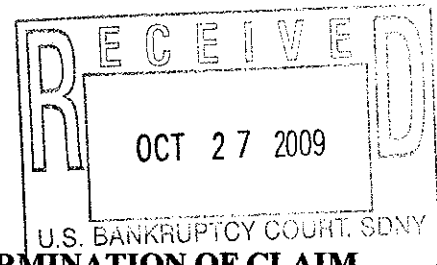
BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)



**RESPONSE TO THE NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM.**

I, Cynthia Pattison Germaine, just received from Irving H. Picard, trustee for the Securities Investor Protection Act, a denial of my claim for my net equity on my account number 1ZA246, claim number 000400. I strongly disagree with this denial based on the information provided by Irving H. Picard in the determination. The documentation provided by Mr. Picard is not in the form of any documented evidence. His transactions listed in Table 1 are not supported by any evidence; it is just a spread sheet anyone could compile in a matter of minutes. (See exhibit A) There are no check numbers, no accounts numbers, bank names, etc. As Mr. Picard states in his determination, "BLMIS on account statements were fictitious." I see no documentation that was presented to me by Mr. Picard representing certifiable amounts I had received from Mr. Madoff. There were no check numbers or bank notices supporting the amounts that he stated I had received. Did he get these numbers from the same Mr. Madoff that defrauded all of us?

Mr. Picard said that I had no money in my accounts as no securities were purchased, however that was the fraud that took place that I had no way of knowing. The amount of money I gave to Mr. Madoff for sixteen years had to earn money in one form or another, even if he did not purchase securities. Again, I had no reason to believe that the securities written on my monthly statements were not accurate. (See exhibit B)

I have already written to the Bankruptcy Court for the Southern District of New York my belief in what the definition of net equity should be, in this case the amount written on my last statement from Mr. Madoff in the amount of \$270,751.95. (See exhibit B) I am filing an opposition to this determination dated October 19, 2009, but I will not be appearing in New York on this matter. I respectfully wish it to be documented that I disagree with Mr. Picard, and do not feel he has presented to me anything substantial that I can even begin to look at. If he is to represent me I would hope he would have check numbers and dates of what he states were submitted to me. I also feel he is not representing SIPA or me in the correct fashion with his definition of net equity.

In Mr. Picard's determination notice to me he also stated "should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net Equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order." I do hope that if the United States Bankruptcy Court Southern District of New York defines net equity to be the amount on my last bank statement, (see exhibit B) as it should be, that they will order

Mr. Picard to make payments in a timely manner to myself and others who have waited almost a year to hear from Mr. Picard. Mr. Picard in his notice of determination only gave me thirty days to respond to him, minus the mailing time it took for me to receive it in the mail.

WHEREFORE, I respectfully request this Court find net equity to be the value of the last statement I received on November 30, 2008 (see exhibit B) and deny any other definition of net equity.

Respectfully submitted this 23<sup>rd</sup> day of October, 2009.

Cynthia Pattison Germaine  
Cynthia Pattison Germaine, pro se

Cynthia Pattison Survivor Trust  
Cynthia Pattison Germaine Trustee  
104 Rhododendron Lane  
Brinnon, WA 98320

Certificate of Service

I hereby certify that on October 23, 2009, I served the foregoing document by mailing same to all opposing counsel of record.

Cynthia Pattison Germaine

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008<sup>1</sup>**

**NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM**

October 19, 2009

Cynthia Pattison Survivor Trust  
Cynthia Pattison Germaine Trustee  
104 Rhododendron Lane,  
Brinnon, WA 98320

Dear Cynthia Pattison Survivor Trust:

**PLEASE READ THIS NOTICE CAREFULLY.**

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1ZA246 designated as Claim Number 000400:

Your claim for securities is **DENIED**. No securities were ever purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$432,915.52), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$265,000.) As noted, no securities were ever purchased by BLMIS for your account. Any and all profits reported to you by BLMIS on account statements were fictitious.

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<sup>1</sup> Section 78lll(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78lll(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$167,915.52) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is **DENIED** in its entirety.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by the Trustee against you.

**PLEASE TAKE NOTICE:** If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court **and** the Trustee within **THIRTY DAYS** after October 19, 2009, the date on which the Trustee mailed this notice.

**PLEASE TAKE FURTHER NOTICE:** If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

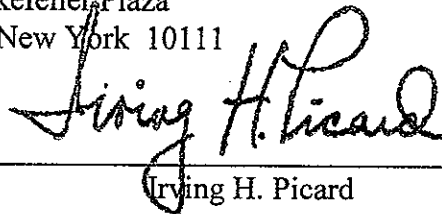
**PLEASE TAKE FURTHER NOTICE:** If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for  
the Southern District of New York  
One Bowling Green  
New York, New York 10004

and

Irving H. Picard, Trustee  
c/o Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111



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Irving H. Picard

Trustee for the Liquidation of the Business of  
Bernard L. Madoff Investment Securities LLC

Table 1		
DEPOSITS		
DATE	TRANSACTION DESCRIPTION	AMOUNT
12/7/1992	CHECK	\$145,000.00
9/6/1994	CHECK	\$30,000.00
1/4/1995	CHECK	\$20,000.00
5/11/1999	CHECK	\$30,000.00
5/11/1999	CHECK	\$10,000.00
4/27/2007	CHECK	\$30,000.00
<b>Total Deposits:</b>		\$265,000.00
WITHDRAWALS		
DATE	TRANSACTION DESCRIPTION	AMOUNT
4/8/1993	CHECK	(\$7,587.87)
7/13/1993	CHECK	(\$6,482.31)
10/13/1993	CHECK	(\$2,928.13)
1/14/1994	CHECK	(\$6,439.13)
4/13/1994	CHECK	(\$5,839.74)
7/14/1994	CHECK	(\$4,284.33)
10/13/1994	CHECK	(\$4,750.72)
1/13/1995	CHECK	(\$4,235.75)
4/13/1995	CHECK	(\$6,688.57)
7/14/1995	CHECK	(\$9,299.82)
10/16/1995	CHECK	(\$6,780.76)
1/12/1996	CHECK	(\$7,391.64)
4/12/1996	CHECK	(\$7,822.70)
7/12/1996	CHECK	(\$7,368.66)
10/11/1996	CHECK	(\$8,288.32)
1/13/1997	CHECK	(\$6,931.76)
4/10/1997	CHECK	(\$8,809.66)
7/11/1997	CHECK	(\$11,275.87)
10/10/1997	CHECK	(\$6,517.69)
1/13/1998	CHECK	(\$6,940.23)
4/8/1998	CHECK	(\$8,926.25)
7/9/1998	CHECK	(\$8,136.58)
10/9/1998	CHECK	(\$4,741.28)
1/13/1999	CHECK	(\$8,841.79)
4/13/1999	CHECK	(\$8,810.38)
7/8/1999	CHECK	(\$12,848.37)
10/8/1999	CHECK	(\$7,200.92)
1/6/2000	CHECK	(\$8,870.18)
4/7/2000	CHECK	(\$13,038.37)

7/7/2000	CHECK	(\$7,579.96)
10/11/2000	CHECK	(\$4,518.36)
1/10/2001	CHECK	(\$4,579.75)
4/6/2001	CHECK	(\$10,012.49)
7/9/2001	CHECK	(\$6,455.34)
10/9/2001	CHECK	(\$4,414.08)
1/11/2002	CHECK	(\$6,684.76)
4/10/2002	CHECK	(\$2,861.95)
7/8/2002	CHECK	(\$9,807.39)
10/7/2002	CHECK	(\$13,261.27)
1/10/2003	CHECK	(\$4,557.72)
4/9/2003	CHECK	(\$4,454.04)
7/8/2003	CHECK	(\$6,731.12)
10/9/2003	CHECK	(\$7,272.10)
1/8/2004	CHECK	(\$3,089.56)
4/8/2004	CHECK	(\$4,781.78)
7/7/2004	CHECK	(\$7,311.01)
10/7/2004	CHECK	(\$5,844.23)
1/7/2005	CHECK	(\$4,698.82)
4/7/2005	CHECK	(\$4,765.58)
7/7/2005	CHECK	(\$5,116.84)
10/7/2005	CHECK	(\$4,644.83)
1/9/2006	CHECK	(\$7,389.62)
4/7/2006	CHECK	(\$6,005.71)
7/10/2006	CHECK	(\$5,755.59)
10/6/2006	CHECK	(\$11,538.42)
1/8/2007	CHECK	(\$5,727.80)
4/4/2007	CHECK	(\$4,987.74)
7/6/2007	CHECK	(\$6,856.95)
10/4/2007	CHECK	(\$7,294.47)
1/8/2008	CHECK	(\$6,058.67)
4/7/2008	CHECK	(\$2,156.76)
7/7/2008	CHECK	(\$13,886.25)
10/6/2008	CHECK	(\$3,736.78)
<b>Total Withdrawals:</b>		(\$432,915.52)
<b>Total deposits less withdrawals:</b>		(\$167,915.52)





BERNARD L. MADOFF  
INVESTMENT SECURITIES LLC  
New York ☐ London

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

Madoff Securities Internat  
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Mayfair, Lond  
Tel 0

Main Document

CYNTHIA PATTISON  
SURVIVOR TRUST  
CYNTHIA PATTISON GERMAINE TSIE  
705 SANTA CRUZ LANE  
FOSTER CITY CA 94404

YOUR ACCOUNT NUMBER  
1-ZA246-3-0

PERIOD ENDING  
11/30/08

YOUR TAX PAYER IDENTIFICATION NUMBER  
\*\*\*\*\*7453

PAGE  
1

DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/6/12	210		870	BALANCE FORWARD	29.800	6,265.00	
11/9/12	150		1372	WELLS FARGO & CO NEW	34.900	5,241.00	
11/9/12	130		5196	HEWLETT PACKARD CO	55.830	7,262.90	
11/9/12	85		5698	WAL-MART STORES INC	87.270	7,420.95	
11/7/12	315		9522	INTERNATIONAL BUSINESS MACHS	72.880	22,969.20	
11/9/12	345		10024	EXXON MOBIL CORP	14.510	5,018.95	
11/9/12	165		14350	INTEL CORP	59.580	9,836.70	
11/7/12	225		18675	JOHNSON & JOHNSON	38.530	8,678.25	
11/7/12	120		23001	J.P. MORGAN CHASE & CO	44.660	5,363.20	
11/7/12	70		27327	COCA COLA CO	55.370	3,877.90	
11/6/12	130		31653	MCDONALDS CORP	28.550	3,716.50	
11/6/12	475		35979	MERCK & CO	21.810	10,378.75	
11/6/12	240		40305	MICROSOFT CORP	17.300	4,161.00	
11/6/12	95		53283	ORACLE CORPORATION	56.410	5,361.95	
11/6/12	55		53785	PEPSICO INC	100.780	5,544.90	
11/4/12	405		57609	APPLE INC	16.940	6,876.70	
11/4/12	95		58111	PFIZER INC	54.610	5,190.95	
11/4/12	180		61935	ABBOTT LABORATORIES	64.080	11,541.40	
11/3/12	65		62437	PROCTER & GAMBLE CO	59.160	3,847.40	
11/3/12	125		66261	AMGEN INC	43.600	5,455.00	
11/3/12	300		66763	PHILLIP MORRIS INTERNATIONAL	21.590	6,489.00	
11/1/12	100		70587	BANK OF AMERICA	33.770	3,381.00	
11/1/12	325		71089	QUALCOMM INC	12.510	4,078.75	
11/1/12				CITI GROUP INC			

CONTINUED ON PAGE 2

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

Exhibit B

75270



**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

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**CYNTHIA PATTISON**  
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PAGE  
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08-01789-cgm Doc 545 Filed 10/27/09 Entered 10/27/09 16:31:15  
Pg 11 of 15

DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMT TO
11/19							
11/19	50,000	38,853	53461	FIDELITY SPARTAN U S TREASURY MONEY MARKET U S TREASURY BILL DUE 03/26/2009 3/26/2009	1 99.926	49,963.00	
11/19	3,875		62497	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1	3,875.00	
				NEW BALANCE		28,945.34	
	355			SECURITY POSITIONS	MKT PRICE		
	95			AT&T INC	28.560		
	65			ABBOTT LABORATORIES	52.390		
	55			AMGEN INC	55.540		
	300			APPLE INC	92.670		
				BANK OF AMERICA	16.250		
	125			CHEVRON CORP	79.010		
	365			CISCO SYSTEMS INC	16.540		
	325			CITI GROUP INC	8.290		
	120			COCA COLA CO	46.870		
	180			COMCAST CORP	17.340		
	90			CL A	52.520		
	315			CONOCOPHILIPS	80.150		
	635			EXXON MOBIL CORP	17.170		
				GENERAL ELECTRIC CO			
				CONTINUED ON PAGE 4			

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15	150			GOOGLE	292.960		
345	150			HEWLETT PACKARD CO	35.280		
85	345			INTEL CORP	13.800		
225	85			INTERNATIONAL BUSINESS MACHS	81.600		
165	225			J.P. MORGAN CHASE & CO	31.660		
70	165			JOHNSON & JOHNSON	58.560		
130	70			MCDONALDS CORP	58.750		
475	130			MERCK & CO	26.720		
240	475			MICROSOFT CORP	20.220		
95	240			ORACLE CORPORATION	16.090		
405	95			PEPSICO INC	56.700		
125	405			PFIZER INC	16.430		
160	125			PHILLIP MORRIS INTERNATIONAL	42.160		
100	160			PROCTER & GAMBLE CO	64.350		
75	100			QUALCOMM INC	33.570		
	75			SCHLUMBERGER LTD	50.740		
	3,875			FIDELITY SPARTAN	1		
	105			U S TREASURY MONEY MARKET	26.980		
	60			U S BANCORP	57.600		
	50,000			UNITED PARCEL SVC INC	99.971		
	60			CLASS B			
				U S TREASURY BILL			
				DUE 03/26/2009			
				3/26/2009			
				UNITED TECHNOLOGIES CORP	48.530		
				CONTINUED ON PAGE 5			

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	170 130 210			VERIZON COMMUNICATIONS WAL-MART STORES INC WELLS FARGO & CO NEW MARKET VALUE OF SECURITIES LONG 274,151.95 SHORT	32.650 55.880 28.890		

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DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AA TO
				YEAR-TO-DATE SUMMARY DIVIDENDS GROSS PROCEEDS FROM SALES			

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12/12		5	44631	BALANCE FORWARD	15.800		
12/12		5	48957	S & P 100 INDEX NOVEMBER 460 CALL	17.800		8,905.00
12/12		5	35061	S & P 100 INDEX NOVEMBER 450 PUT	26		
12/12		5	39386	DECEMBER 430 CALL	30		15,005.00
12/12		5	43711	S & P 100 INDEX DECEMBER 420 PUT	3		1,505.00
12/12		5	48036	NOVEMBER 460 CALL S & P 100 INDEX NOVEMBER 450 PUT	37		
				NEW BALANCE			
		5		SECURITY POSITIONS S & P 100 INDEX DECEMBER 430 CALL S & P 100 INDEX DECEMBER 420 PUT	MKT PRICE 23.300 16.500		
				MARKET VALUE OF SECURITIES LONG 8,250.00 SHORT 11,650.00--			

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Exhibit B